REMARKS

This amendment is submitted in response to the Office Action of January 18, 2007.

Specification

The specification has been amended to contain a reference to each prior-filed application from which this application claims benefit of an earlier filing date.

A petition under 37 C.F.R. 1.78(a)(3) filed herewith claims the benefit of the prior-filed applications. The petition includes an identification of the prior-filed applications and a statement that the failure to make the claim in a timely matter was unintentional. The surcharge required by 37 C.F.R. 1.17(t) is authorized by a separate paper filed with the petition.
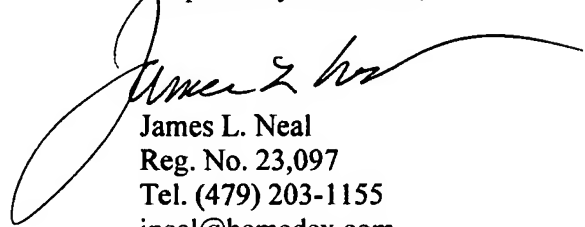
Claims

Bowman 5,797,398 will not be a reference against claims 1-9 present in the application upon grant of the petition under 37 C.F.R. 1.78(a)(3) as the Bowman reference is one from which priority is claimed. The filing date of Bowman 5,797,398 is August 13, 1993.

The examiner's position is that claims 1, 2 and 4-9 find support in the prior-filed application Ser. No. 10/364,773 and thus have a filing date of March 24, 2004. Claims 1, 2 and 4-9 also find support in all the other prior-filed nonprovisional applications identified in the petition because all applications identified in the petition have identical disclosures. Thus, upon grant of the petition the effective filing date of claims 1,2 and 4-9 will be August 13, 1993, a date earlier than the filing date of Callister et al. 7,087,026, and Callister will not be a reference against claims 1, 2 and 4-9.

With respect to claim 3 the effective filing date is March 24, 2004 (or March 26, 2003, the filing date of provisional application 60/458,100). Even though Callister may stand as a reference against claim 3, claim 3 is allowable as it depends from claim 2.

It is submitted that claims 1-9 define patentable subject matter not anticipated or obvious in view of prior art. Allowance is respectfully requested.

Respectfully submitted,

James L. Neal
Reg. No. 23,097
Tel. (479) 203-1155
jneal@hemedex.com

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